

REMARKS

Entry of this amendment and reconsideration of the outstanding rejections of the claims is respectfully requested.

This amendment corrects a spelling error noted by the Examiner in the Restriction Requirement. Applicants submit that these amendments to the claims are supported throughout the specification and do not represent new matter.

SUMMARY

Applicants submit that the claims are in condition for allowance and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' representative if prosecution may be assisted thereby.

Respectfully submitted,

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MARKED-UP VERSION TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph beginning at page 5, line 11 has been amended as follows:

--The compositions can include [peroxyseptanoic] peroxyheptanoic and/or peroxynonanoic acid in place of or in addition to peroxyoctanoic acid.--

The paragraph beginning at page 7, line 24 has been amended as follows:

--Typically the compositions and methods of the present invention include peroxyoctanoic acid, peroxyonanoic acid, or [peroxyseptanoic] peroxyheptanoic acid, preferably peroxyoctanoic acid. Peroxyoctanoic (or peroctanoic) acid is a peroxycarboxylic acid having the formula, for example, of n-peroxyoctanoic acid: $\text{CH}_3(\text{CH}_2)_6\text{OOOH}$. Peroxyoctanoic acid can be an acid with a straight chain alkyl moiety, an acid with a branched alkyl moiety, or a mixture thereof. Peroxyoctanoic acid can be prepared through any number of methods known to those of skill in the art. A solution of peroxyoctanoic acid can be obtained by combining octanoic acid and hydrogen peroxide.--

IN THE CLAIMS

23. (AMENDED) An antimicrobial concentrate composition comprising:
a combination of peroxyacetic acid and [peroxyseptanoic] peroxyheptanoic or peroxyonanoic acid effective for killing *Escherichia coli* O157:H7, *Listeria monocytogenes*, *Salmonella javiana*, yeast, and mold on the surface of a fruit or vegetable;

the combination comprising about 35 to about 45 weight-% acetic acid, about 5 to about 15 weight-% [septanoic] heptanoic or nonanoic acid, about 3 to about 8 weight-% hydrogen peroxide, about 8 to about 16 weight-% peroxyacetic acid, about 1 to about 5 weight-% [peroxyseptanoic] peroxyheptanoic or peroxyonanoic acid, and about 0.1 to about 2 weight-% chelating agent.

24. (AMENDED) An antimicrobial use composition comprising:
a combination of peroxyacetic acid and [peroxyseptanoic] peroxyheptanoic or peroxynonanoic acid effective for killing *Escherichia coli* O157:H7, *Listeria monocytogenes*, *Salmonella javiana*, yeast, and mold on the surface of a fruit or vegetable;
the combination comprising about 10 to about 150 ppm acetic acid, about 5 to about 40 ppm [septanoic] heptanoic or nonanoic acid, about 4 to about 20 ppm hydrogen peroxide, about 5 to about 50 ppm peroxyacetic acid, about 2 to about 25 ppm [peroxyseptanoic] peroxyheptanoic or peroxynonanoic acid, and about 0.2 to about 2.5 ppm chelating agent.

25. (AMENDED) An antimicrobial concentrate composition comprising:
a combination of peroxyacetic acid and [peroxyseptanoic] peroxyheptanoic or peroxynonanoic acid effective for killing *Escherichia coli* O157:H7, *Listeria monocytogenes*, *Salmonella javiana*, yeast, and mold on the surface of a fruit or vegetable;
the combination comprising an equilibrium mixture resulting from a composition of about 50 to about 60 weight-% acetic acid, about 10 to about 20 weight-% [septanoic] heptanoic or nonanoic acid, about 5 to about 15 weight-% hydrogen peroxide, and about 0.3 to about 1 weight-% chelating agent.

26. (AMENDED) An antimicrobial concentrate composition comprising:
a combination of peroxyacetic acid and [peroxyseptanoic] peroxyheptanoic or peroxynonanoic acid effective for killing *Escherichia coli* O157:H7, *Listeria monocytogenes*, *Salmonella javiana*, yeast, and mold on the surface of a fruit or vegetable;
the combination comprising about 50 to about 60 weight-% acetic acid, about 10 to about 20 weight-% [septanoic] heptanoic or nonanoic acid, about 5 to about 15 weight-% hydrogen peroxide, and about 0.3 to about 1 weight-% chelating agent.

27. (AMENDED) An antimicrobial use composition comprising:

food product and a combination of peroxyacetic acid and [peroxyseptanoic] peroxyheptanoic or peroxy-nonanoic acid effective for killing *Escherichia coli* O157:H7, *Listeria monocytogenes*, *Salmonella javiana*, yeast, and mold on the surface of a fruit or vegetable;

the combination comprising about 10 to about 150 ppm acetic acid, about 5 to about 40 ppm [septanoic] heptanoic or nonanoic acid, about 4 to about 20 ppm hydrogen peroxide, about 5 to about 50 ppm peroxyacetic acid, about 2 to about 25 ppm [peroxyseptanoic] heptanoic or peroxy-nonanoic acid, and about 0.2 to about 2.5 ppm chelating agent.

28. (AMENDED) A method of controlling microbial growth in an aqueous stream used for transporting or processing food product, the method comprising:

treating the aqueous stream with a combination of peroxyacetic acid and [peroxyseptanoic] peroxyheptanoic or peroxy-nonanoic acid effective for killing *Escherichia coli* O157:H7, *Listeria monocytogenes*, *Salmonella javiana*, yeast, and mold on the surface of a fruit or vegetable.

29. (AMENDED) A method of controlling microbial growth in an aqueous stream used for transporting or processing food product, the method comprising:

administering an antimicrobial concentrate composition to the stream, the antimicrobial concentrate composition comprising an equilibrium mixture resulting from a composition of about 50 to about 60 weight-% acetic acid, about 10 to about 20 weight-% [septanoic] heptanoic or nonanoic acid, about 5 to about 15 weight-% hydrogen peroxide, and about 0.3 to about 1 weight-% chelating agent.

30. (AMENDED) A method of controlling microbial growth in an aqueous stream used for transporting or processing food product, the method comprising:

producing the aqueous stream comprising about 10 to about 150 ppm acetic acid, about 5 to about 40 ppm [septanoic] heptanoic or nonanoic acid, about 4 to about 20 ppm hydrogen peroxide, about 5 to about 50 ppm peroxyacetic acid, about 2 to about 25 ppm [peroxyseptanoic] peroxyheptanoic or peroxy-nonanoic acid, and about 0.2 to about 2.5 ppm chelating agent.